

adulteration was alleged in that cottonseed oil had been substituted in part for Spanish oil, to wit, olive oil, which the article purported to be.

Misbranding of the article was alleged in that each can contained an article of food which bore no labels, but which was invoiced as "Spanish Oil" and was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 5, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$125.

E. D. BALL, *Acting Secretary of Agriculture.*

5004. Adulteration and misbranding of tuna fish. U. S. * * * v. 1,265 Boxes, More or Less, of Tuna Fish. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11890. I. S. No. 7347-r. S. No. C-1684.)

On January 19, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of an article, labeled "Tuna Fish," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on November 3, 1919, by the United Tuna Packers, Inc., Wilmington, Calif., transported from the State of California into the State of Tennessee, and reshipped from the State of Tennessee into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in that the article was sold and shipped as blue fin tuna fish, whereas other articles, to wit, striped tuna (*Gymnosarda pslamis*), bonito (*Sarda chilensis*), and albacore (*Germo alalunga*), had been substituted in whole or in part for said blue fin tuna fish, which the article purported to be.

Misbranding of the article was alleged in that the statement on the labels on the cans containing the article, regarding the article, to wit, "Abbey Brand California Tuna * * * Blue Fin Tuna S. G. & Co.," was false and fraudulent, and misled and deceived the purchaser in that it purported and represented that the article was blue fin tuna fish, whereas, in truth and in fact, it was not.

On May 1, 1920, the United Tuna Packers, Inc., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

5005. Adulteration and misbranding of tomatoes. U. S. * * * v. 675 Cases of Warwick Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 1189. I. S. No. 15924-r. S. No. E-1923.)

On January 23, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain quantity of an article, labeled in part "Warwick Brand Tomatoes," remaining unsold in the original unbroken packages at Philadelphia, Pa., consigned by Noah Webster, Cambridge, Md., alleging that the article had been shipped on or about November 1, 1919, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that added juice had been mixed and packed with the tomatoes so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted in whole or in part for the article.

Misbranding of the article was alleged in that the statements, designs, and devices regarding the article, to wit, "Tomatoes * * *," "We strive for quality and purity * * * Tomatoes," and the design of a ripe red tomato, were false and misleading in that they indicated that the package contained tomatoes only, whereas, in truth and in fact, it contained substances other than tomatoes.

On March 15, 1920, Noah Webster, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8006. Adulteration and misbranding of tuna fish. U. S. * * * v. 1,358 Cases, More or Less, of Tuna Fish. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12185. I. S. Nos. 8314-r, 8315-r. S. No. C-1765.)

On February 19, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of a certain number of cases of tuna fish, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on January 14, 1920, by the United Tuna Packers, Inc., Wilmington, Calif., and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that it had been sold and shipped as tuna fish, whereas bonito fish had been substituted in whole or in part for tuna fish.

Misbranding of the article was alleged in that the statements, words, and figures on the label on each can containing the article, to wit, "Abbey Brand California Tuna. Net Weight, 6½ oz. Packed in winter pressed cottonseed oil. Packed and guaranteed by the United Tuna Packers, Inc., Wilmington, California," purported and represented that the article was tuna fish, whereas the article was bonito fish.

On May 1, 1920, the United Tuna Packers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8007. Misbranding of Texas Wonder. U. S. * * * v. 6 Dozen Bottles, More or Less, of a Certain Drug, Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12539. I. S. No. 8169-r. S. No. C-1875.)

On April 9, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen bottles of a drug, labeled "Texas Wonder," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the